

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 3:12CR158-02 (HEH)
)	
ANDREW ROBERT MACCABE)	
)	
<i>Defendant.</i>)	

STATEMENT OF FACTS

The United States and the defendant agree that the factual allegations contained in this Statement of Facts and in Count One of the pending indictment are true and correct, and that the United States could have proven them beyond a reasonable doubt.

1. On or about May 10, 2012, in the Eastern District of Virginia and within the jurisdiction of this Court, ANDREW ROBERT MACCABE, did knowingly, intentionally, and unlawfully conspire with others to possess with the intent to distribute one hundred or more marijuana plants, in violation of Title 21, United States Code, Section 841(a)(1), (B)(1)(B) and 846.

2. On May 10, 2012, the Virginia State Police (VSP) obtained a search warrant in Prince Edward County at 2492 Lockett Road, Rice, Virginia 23966. The VSP, Drug Enforcement Administration (DEA) along with state and local participated in the execution of the search warrant.

3. David Barkley Vardaro, Mark Robert Elliott, and ANDREW ROBERT MACABE were present at the residence. Officers learned that each of the men occupied a bedroom inside

the residence. The residence also had a large metal outbuilding.

4. Upon execution of the search warrant, law enforcement officers recovered 645 marijuana plants, six pounds of harvested marijuana packaged for distribution, cash, financial documents, computers, cell phones, marijuana cultivation equipment and other items.

5. The marijuana plants were sent to the Virginia Department of Forensic Science where they were determined to contain marijuana, a Schedule I controlled substance.

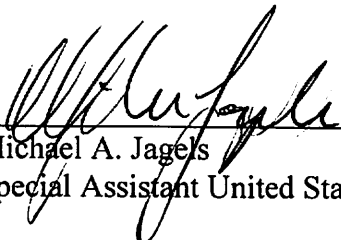
6. MACCABE was read his rights against self incrimination and waived those rights. He admitted his participation in growing the marijuana.

7. MACCABE knowingly, intentionally and unlawfully possessed the marijuana plants with the intent to distribute the marijuana they contained.

Respectfully submitted,

NEIL H. MACBRIDE
United States Attorney

By:


Michael A. Jagels
Special Assistant United States Attorney

I have consulted with my attorney regarding this Statement of Facts. I knowingly and voluntarily agree that each of the above-recited facts is true and correct and that had this matter gone to trial the United States could have proven each one beyond a reasonable doubt.

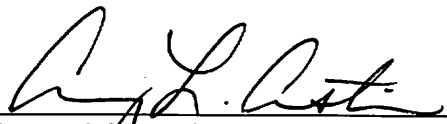
12-7-12
Date



ANDREW ROBERT MACCABE

I am counsel for defendant, ANDREW ROBERT MACCABE. I have carefully review this Statement of Facts with him and, to my knowledge, his decision to agree to this Statement of Facts is an informed and voluntary decision.

12. 7. 12
Date



Counsel for Defendant